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November 15, 2023

File No. 3000.157

The Honorable Dale E. Ho
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Charbern Management Group LLC v. Borah, Goldstein, Altschuler, Nahins & Goidel*,
P.C. 1:22-CV-08137 (DEH)

Dear Judge Ho:

We represent the defendant law firm in the above referenced legal malpractice action. We write with the consent of counsel for plaintiff to explain why an extension of the expert discovery deadline is warranted. On November 13, 2023, the Court rejected the the parties' joint request for an extension of the November 27, 2023 expert discovery deadline because the parties' request did not explain the underlying circumstances.

A prior joint request to modify the expert discovery deadline was granted by Justice Valerie Caproni, as per her September 15, 2023 Order, because the individual who had agreed (in May 2023) to serve as plaintiff's expert witness notified plaintiff's counsel at the end of August 2023 that he could no longer do so. After the extension was granted, despite plaintiff's best efforts, it was only able to confirm the retention of a new expert witness two weeks ago, at the end of October 2023. At that point, given the schedules of counsel and the experts (including for the Thanksgiving holiday week – I will be on vacation the entire week of Thanksgiving), the parties could not conclude expert discovery by November 27, 2023.

In light of the parties' good faith efforts to complete expert discovery in a timely fashion, we again respectfully request that the end date for expert discovery be extended from November 27, 2023 to January 15, 2024. The parties have agreed to exchange expert reports on December 1, 2023 and to conduct expert depositions by January 15, 2024. In the event this request is granted, the parties also request that the remote pretrial conference scheduled for December 1, 2023 be adjourned to a date after January 15, 2024 (the proposed modified deadline for expert discovery) that is convenient for the Court. Please be advised that counsel for the parties are available for a remote pretrial conference on January 19, 2024, January 26, 2024, and February 2, 2024.

November 15, 2023
Page 2

Should you have any questions regarding the above, please contact the undersigned.

Respectfully Submitted,

/s/ Jamie R. Wozman

Jamie R. Wozman of
LEWIS BRISBOIS BISGAARD & SMITH LLP

JRW

cc: Yitzchak E. Soloveichik , Esq.
Counsel for Plaintiff

Application GRANTED. Given the circumstances, the deadline to conclude expert discovery is hereby extended to **January 15, 2024**. The parties are advised that no further extensions to the discovery deadline will be granted. The conference currently scheduled for December 1, 2023, is adjourned to **January 26, 2024, at 10:00 a.m. (E.T.)**. The parties shall dial 646-453-4442 and enter the phone conference ID: 323848645, followed by the pound (#) sign.

SO ORDERED.

The Clerk of Court is respectfully requested to terminate the open motion at ECF No. 33.



Dale E. Ho
United States District Judge
Dated: November 15, 2023
New York, New York